

UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF NEW YORK

PALMER KANE LLC,

*Plaintiff,*

v.

SCHOLASTIC CORPORATION;  
SCHOLASTIC, INC.,

*Defendants.*

Case No. 12-CV-3890 (TPG)

Hon. Thomas P. Griesa

**ECF CASE  
Electronically Filed**

**MOTION AND MEMORANDUM OF LAW OF NELSON & McCULLOCH LLP  
TO WITHDRAW AS COUNSEL FOR PLAINTIFF**

Danial A. Nelson (DN4940)  
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May 28, 2013

Danial A. Nelson (“Nelson”) and Kevin P. McCulloch (“McCulloch”), attorneys at Nelson & McCulloch LLP, hereby move this Court, upon this memorandum and the accompanying declaration of Mr. Nelson, to permit them to withdraw as counsel of record for Plaintiff Palmer Kane LLC (“Plaintiff”).

An order permitting Messrs. Nelson and McCulloch to withdraw as counsel of record may be granted “upon a showing by affidavit or otherwise of satisfactory reasons for withdrawal[.]” S.D.N.Y. Local Rule 1.4. Satisfactory reasons to withdraw exist where counsel has been discharged. *See* Rule 1.16(b)(3), New York Rules of Professional Conduct. Plaintiff has discharged Nelson & McCulloch LLP as its counsel. Furthermore, permitting Messrs. Nelson and McCulloch to withdraw as counsel in this matter will not create any prejudice to Plaintiff or delay this action because Plaintiff has retained new counsel, Clyde Alvin Shuman, to prosecute its claims in this case and Mr. Shuman already has entered his appearance on behalf of Plaintiff. *See* Dkt. No. 15.

For the foregoing reasons, attorneys Danial A. Nelson and Kevin P. McCulloch request that this Court GRANT their motion to withdraw as counsel of record for Plaintiff.

Dated: May 28, 2013

Respectfully submitted,

NELSON & McCULLOCH LLP



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**CERTIFICATE OF SERVICE**

I hereby certify that on the 28th day of May, 2013, I caused to be served a true and correct copy of the foregoing document by the CM/ECF system and/or via electronic mail to the following parties:

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DATED: May 28, 2013

  
Danial A. Nelson